

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

---

RAY ROWLAND, )  
                  )  
Plaintiff,     )  
v.               )  
                  )     No. 2:13-cv-02040-JPM-tmp  
CITY OF MEMPHIS, TENNESSEE, et    )  
al.,             )  
Defendants.    )

---

**ORDER ADOPTING THE REPORT AND RECOMMENDATION; DISMISSING  
DEFENDANTS JOSEPH BENYA, ROBERT TUTT, AND MAHAJJ ABDUL-BAAQEE  
WITHOUT PREJUDICE**

---

Before the Court is the Magistrate Judge's Report and Recommendation, filed on December 17, 2013. (ECF No. 27.) In the Report and Recommendation, the Magistrate Judge recommends "that Officers Joseph Ben[ya], Robert Tutt, and Mahajj Abdul-Baaqee be dismissed without prejudice pursuant to [Federal Rule of Civil Procedure] 4(m)." <sup>1</sup> (Id. at PageID 191.) <sup>2</sup> The Report and Recommendation states that at a hearing before the Magistrate Judge on December 17, 2013, "Plaintiff stated he had

---

<sup>1</sup> Under Rule 4(m), "[i]f a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m).

<sup>2</sup> When documents are not internally paginated, or when a single filing contains multiple documents, the Court refers to the Page Identification ("PageID") number located at the top right of documents filed on the Case Management/Electronic Case Files system.

no objection to dismissing these defendants without prejudice."

(Id.)

When there are no objections to a Magistrate Judge's recommendation, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee notes. On clear-error review, the Court hereby ADOPTS the Magistrate Judge's Report and Recommendation (ECF No. 27) in its entirety.

Accordingly, all claims against Defendants Joseph Benya, Robert Tutt, and Mahajj Abdul-Baaqee are hereby DISMISSED WITHOUT PREJUDICE.

**IT IS SO ORDERED,** this 17th day of December, 2013.

---

/s/ Jon P. McCalla  
JON P. McCALLA  
U.S. DISTRICT COURT JUDGE